

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

WILLIAM V. CORNISH JR.,	:	CIVIL ACTION NO. 1:04-CV-0232
	:	
Plaintiff	:	(Judge Conner)
	:	
v.	:	
	:	
OFFICER GOSHEN and OFFICER	:	
STRATHMEYER,	:	
	:	
Defendants	:	

ORDER

AND NOW, this 2nd day of August, 2005, upon consideration of defendants' motion to dismiss for failure to effect service of the complaint (Doc. 10), and it appearing that the complaint in the above-captioned case was filed on February 2, 2004, but that service of the complaint has not been effected by plaintiff as of the date of this order, despite a prior order of court extending the time for service and advising plaintiff that failure to effect service by February 27, 2005, "will result in dismissal of the above-captioned case" (Docs. 1, 6; Doc. 25 ¶¶ 15-16; Doc. 29 ¶¶ 15-16), see FED. R. CIV. P. 4(m) ("If service of the summons and complaint is not made upon a defendant within 120 days after the filing of the complaint, the court . . . shall dismiss the action without prejudice . . . or direct that service be effected within a specified time . . ."), and it further appearing that plaintiff does not show "good cause" for the failure to effect service of the complaint¹ and that

¹ The absence of "good cause" is further explained in the prior memorandum and order of court (Doc. 22), directing counsel for plaintiff to show cause why sanctions should not be imposed under Federal Rule of Civil Procedure 11.

discretionary factors do not warrant an additional extension of time for service (see Docs. 22, 24, 28), see, e.g., Petrucelli v. Bohringer & Ratzinger, 46 F.3d 1298, 1307 (3d Cir. 1995) (discussing “good cause” requirement and discretion of court to extend time for service), it is hereby ORDERED that the above-captioned case is DISMISSED without prejudice. See FED. R. CIV. P. 4(m). The Clerk of Court is directed to CLOSE the above-captioned case.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge